

HOUSE JOINT MEMORIAL 8

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

James P. White

A JOINT MEMORIAL

REQUESTING THE UNITED STATES CONGRESS TO AMEND CHAPTER 73,  
TITLE 10, UNITED STATES CODE TO ALLOW FOR PAYMENTS OF BOTH THE  
SURVIVOR BENEFIT PLAN ANNUITY AND THE DEPENDENCY AND INDEMNITY  
COMPENSATION.

WHEREAS, the legislature recognizes the pain and suffering  
of military widows and widowers whose spouses have died on the  
battlefield or through other service to the United States of  
America; and

WHEREAS, this nation has an obligation to care for its  
military widows and widowers; and

WHEREAS, military widows and widowers are unfairly  
deprived of monetary benefits from the survivor benefit plan,  
which their military spouses purchased and earned, when they  
receive dependency and indemnity compensation payments from the

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1 department of veterans affairs; and

2 WHEREAS, survivor benefit plan payments are reduced by the  
3 amount of the payments received from the dependency and  
4 indemnity compensation; and

5 WHEREAS, that reduction does not apply to veterans or  
6 military retirees employed as federal government civil servants  
7 enrolled in the civil service survivor benefit plan; and

8 WHEREAS, often the dependency and indemnity compensation  
9 payment completely offsets the survivor benefit plan payment;  
10 and

11 WHEREAS, many military widows and widowers are elderly and  
12 live on a fixed income and are in need of payments from both  
13 the survivor benefit plan and the dependency and indemnity  
14 compensation; and

15 WHEREAS, a federal court of appeals decision will require  
16 the department of defense to eliminate the dependency and  
17 indemnity compensation offset for widows and widowers who  
18 remarry at or after the age of fifty-seven; and

19 WHEREAS, President Abraham Lincoln committed this nation  
20 "to care for him who shall have borne the battle and for his  
21 widow and his orphan";

22 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
23 STATE OF NEW MEXICO that it request the United States congress  
24 to allow for payments from both the survivor benefit plan and  
25 the dependency and indemnity compensation; and

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1 BE IT FURTHER RESOLVED that copies of this memorial be  
2 transmitted to the president of the United States, the speaker  
3 of the United States house of representatives, the president of  
4 the United States senate and the New Mexico congressional  
5 delegation.

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